

AGENCY ESTIMATE
OF THE FISCAL IMPACT OF IMPLEMENTING
1st Sub. H.B. 204 2011 General Session
Protection of Athletes with Head Injuries

Sponsor: Rep. Paul Ray, Sen. John L. Valentine
Agency Contact: Sean Thomas 2 March 2011
Agency Utah State Office of Education

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A. Short Form (For bills that have no impact on the state, local governments, businesses, or individuals.)

If you can check all five boxes to the right, you're almost done. If the bill obviously doesn't have an impact, you're done.

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | State agencies will not require an appropriation to implement the bill. |
| <input type="checkbox"/> | There is no fiscal impact on local governments. |
| <input type="checkbox"/> | There is no fiscal impact on businesses. |
| <input type="checkbox"/> | There is no fiscal impact on individuals. |
| <input checked="" type="checkbox"/> | The bill will not affect revenues. |

If it isn't so obvious, explain what's going on. The most usual explanation is the codification of existing practices.

If necessary, explain why this bill has no fiscal impact.

Attachments welcome.

B. What parts of the bill cause fiscal impact?

Cite specific sections or line numbers.

C. Which program gets the appropriation?

Enter 3 letter Appropriation Unit Code.

For multiple appropriations

This is of

D. Work Notes: Assumptions, calculations & what are we buying?

Explain the fiscal impact in plain English, detailing your assumptions, methods, & calculations.

List all direct costs. Identify one-time and ongoing costs. Detail FTE impacts.

Do not say, "\$50,000 in Current Expense." Be very specific about what this \$50,000 will buy.

Attachments encouraged.

The fiscal impact of 1st Sub. H.B. 204 could be large, but is indeterminable, if complied with. There is likely a material fiscal impact on local governments, businesses, individuals, and other entities that could be classified as an "amateur sports organization" (A.S.O.). These are some potential fiscal impacts:

Legal cost to draft, adopt, and enforce a concussion and head injury policy by Local Education Agencies (LEAs), other local governments, businesses, individuals, and/or other entities that may qualify as an A.S.O. The bill requires such a policy whether children are to participate in the "sporting event" or not.

Medical consultation cost to develop the portion of a "concussion and head injury policy" that is consistent with the requirements of Section 26-53-201 and describes the nature and risk of (i) and (ii). Legal professionals may not have the adequate background to create such a description, so they may need to consult a medical professional to prepare a policy that complies with the bill.

Administrative cost to "ensure" that each "agent" of the organization is familiar with and has a copy of the policy. **PART D. CONTINUED BELOW.**

E. REVENUES

Select Fund	Current Budget Year FY 2011	Coming Budget Year FY 2012	Future Budget Year FY 2013
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Total	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>

F. COSTS by FUND

Select Fund	Current Budget Year FY 2011	Coming Budget Year FY 2012	Future Budget Year FY 2013
Total	0	0	0

G. COSTS by EXPENDITURE CATEGORY.

Expenses by Category	Current Budget Year FY 2011	Coming Budget Year FY 2012	Future Budget Year FY 2013
Personal Services			
Travel			
Current Expense			
DP Current Expense			
DP Capital Outlay			
Capital Outlay			
Other/Pass Thru			
Total	0	0	0

H. Non-State Impacts

Your estimate of how will the bill affect:

Local Governments

See Section D.

Businesses

See Section D.

Individuals

See Section D.

2010 Version 11.09

This is a draft fiscal note response from the Utah State Office of Education (USOE) and may be revised in the future.

Attachments welcome.

PART D. CONTINUED

Administrative cost to provide a copy to parents/legal guardians and obtain signatures of acknowledgement when children are to participate. Administrative cost to track and monitor children who are suspected of sustaining a concussion or head injury whether such injury occurred in the "sporting event" or not. The bill does not indicate the suspicion of a concussion or head injury necessarily has to occur during the sporting event from which the child is to be removed.

Administrative cost to track if said children have remitted written clearance from the licensed health care provider so that they can participate in the sporting event of the A.S.O.

The potential shifting of legal liability to A.S.O.s (including local governments, businesses, individuals, not-for-profits, and LEAs) from the child, their parent/legal guardian, and/or their respective health insurance provider when A.S.O.s:

Violate their own "concussion and head injury policy", or;

Violate State code by failing to "adopt and enforce a concussion and head injury policy".

A.S.O.s and "Sporting Event" are very broadly defined in the bill such that 1st Sub HB 204 could have the fiscal impacts indicated above on the following whether children participate or not: bowling alleys; skating rinks; climbing walls; children's fun centers; amateur golf, bowling, or other such tournaments of any kind sponsored by businesses or individuals; any business that might house a ping pong table or other game; any municipality that operates a playground or sports field commensurate with a park; sledding facilities; or any other "public or private organization that organizes, operates, manages, or sponsors a sporting event for its members, enrollees, or attendees." The USOE (and other State Agencies) would need to adopt such policies for golf tournaments, softball teams, and/or any other such sporting events that its employees may participate in from time to time as a result of their employment with the State. In the alternative, a state wide policy that permeates through every state agency would need to be adopted.

Potential Mitigation of Fiscal Impacts of 1st Sub. H.B. 204

If the State developed a "concussion and head injury" policy that met the minimum requirements of H.B. 204 that A.S.O.s could adopt or modify, it may mitigate the fiscal impacts listed on A.S.O.s. However, such an effort could increase the liability on the State if such policy were found to be inadequate.

A.S.O.s that carry liability insurance for injuries may consider attempting to have their insurance premiums reduced by complying with H.B. 204. There is no assurance that appeals to their insurance carrier to do so would successfully result in the reduction of insurance premiums.